IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA 1928

Crl.MC.No. 26 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.7547/2006

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PETITIONER: ACCUSED NO.3

BABU, S/O.NARAYANAN,
CHANASSERI HOUSE, CHITTILAPPALLY,
THRISSUR DISTRICT.

BY ADV. SRI.C.A.CHACKO

RESPONDENTS: COMPLAINANTS

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1. THE STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE DETECTIVE INSPECTOR OF POLICE,
CB (CID), NARCOTIC AND ECONOMIC OFFENDERS CELL,
CHARACHIRA, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.26 of 2007

Dated this the 3rd day of January 2007

O R D E R

The petitioner, whose application for anticipatory bail was dismissed by another bench of this court, as per order dated 20/12/2006, has come to this court now for enlargement of time for appearance before the investigating officer. The relevant observations appear in paragraph 3 of the order dated 20/12/2006 which I extract below:

> "Anticipatory bail cannot be granted to a person like the petitioner. There is no reason why the petitioner should not surrender before the investigating officer and then apply for regular bail. The petitioner shall surrender before the investigating officer within one week from today for the purpose of custodial interrogation and recovery of documents, if any. Thereafter, the petitioner shall be produced before the Magistrate having jurisdiction who shall consider and dispose of his application for regular bail, if any, filed by the petitioner, preferably on the same day on which it is filed."

2. The petitioner wants extension of time. He could not appear before the investigating officer within a period of seven days stipulated in the order.

3. I find no merit in the prayer for extension of time. The petitioner can, at any time, appear before the investigating officer or the learned Magistrate and seek bail. Needless to say, if the petitioner appears and applies for bail before the learned Magistrate after giving sufficient prior notice to the Public Prosecutor in charge of the case, the learned Magistrate must pass appropriate orders on merits, in accordance with law and expeditiously.

4. With the above observation, this Criminal Miscellaneous Case is dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006